HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services amends Chapter 86, "Healthy and Well Kids in Iowa (HAWK-I) Program," Iowa Administrative Code.

This amendment changes the definition of "client error" used in the recovery of overpayments to include the failure of an enrollee to report correct information or changes in family circumstances. The Department will not have to prove the client's negligence or intent to defraud the program in order to recover premiums that were incorrectly paid. This change brings the HAWK-I definition of "client error" in line with that used in the Medicaid and Family Investment programs.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on March 10, 2010, as **ARC 8581B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice of Intended Action.

The HAWK-I Board adopted this amendment on May 17, 2010.

This amendment is intended to implement Iowa Code chapter 514I.

This amendment shall become effective on August 1, 2010.

The following amendment is adopted.

Amend subrule **86.19(1)**, definition of "Client error," as follows:

"Client error" means ~~an intentional or negligent~~ any action or inaction attributed to the enrollee that results in incorrect payment of benefits, including premiums paid to a health or dental plan, because the enrollee or the enrollee's representative:

1. Failed to disclose information or gave a false or misleading statement, oral or written, regarding income or another eligibility factor; or
2. Failed to timely report a change as defined in rule 441—86.10(514I).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/16/10.